IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 7411 of 2007(G)

OA.296/2004 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

.....

PETITIONER:

---

1. A.M.MOHAMMED, S/O. LATE MEETHIAN,
   RESIDING AT AREEKODATH HOUSE,
   ALANGAD POST, KOTTAPPURAM, ALUVA.

2. A.M.ABDUL KALAM AZAD, S/O. A.M.MOHAMMED,
   RESIDING AT AREEKODATH HOUSE, ALANGAD POST,
   KOTTAPPURAM, ALUVA-683 511.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.E.R.VENKATESWARAN

RESPONDENTS:

---

1. THE FEDERAL BANK LTD.,
   ALUVA BANK JUNCTION BRANCH, ALUVA.

2. THE DEBTS RECOVERY TRIBUNAL,
   ERNAKULAM, KSH BOARD BUILDINGS,
   PANAMPILLY NAGAR, COCHIN-682 036.

BY ADV. SRI.K.K.CHANDRAN PILLAI, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.7411 OF 2007

Dated this the 7th day of March, 2007

JUDGMENT

The impugned Ext.P8 cannot be treated as vitiated by such jurisdictional infirmity which would warrant interference by the writ court, particularly when the petitioner has alternate remedy by way of appeal. Learned counsel for the petitioner made an earnest plea that the issues involved are those arising for consideration after a long term. Even if that be so, it will be well within the petitioner's right to request the appellate authority to consider waiver of any portion of any pre-deposit in accordance with the statute. Without prejudice, this writ petition is dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.